

AARON D. FORD
Attorney General
LORIN M. TAYLOR (Bar No. 14958)
Deputy Attorney General
VICTORIA C. COREY (Bar No. 116364C)
Deputy Attorney General
DOUGLAS R. RANDS (Bar No. 3572)
Senior Deputy Attorney General
State of Nevada
Office of the Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, Nevada 89101
(702) 486-2389 (phone)
(702) 486-3773 (fax)
Email: lmtaylor@ag.nv.gov
Email: vcorey@ag.nv.gov
Email: drands@ag.nv.gov

*Attorneys for Defendants
Harold Wickham, Dwight Neven,
And Richard Ashcraft*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

AMBER FOSTER,

Plaintiff,

v.

STATE OF NEVADA, *et al.*,

Defendants.

Case No. 2:19-cv-00969-GMN-VCF

**STIPULATION AND
[PROPOSED] ORDER TO
CONTINUE TRIAL DATE**

(Second Request)

Pursuant to LR 7-1, LR IA 6-1 and 6-2, the parties, by and through their respective counsel of record, stipulate and request that this Court continue the trial date in this matter, which is currently set for September 25, 2023. (ECF No. 64.) This stipulation serves as the parties' second request to continue the trial date.¹ This request is made in good faith and is not intended for purposes of delay. The parties do not intend to request additional extensions to re-open discovery or further delay trial upon this stipulation's approval by the Court.

¹ Parties stipulated to continue this trial previously due to a court conflict, as the Honorable Judge Navarro was scheduled to be in the midst a six-week trial at that time.

1 On August 18, 2023, Defendants' counsel was informed that Deputy Director Harold
2 Wickham, a defendant in this matter, will be out of the country from September 14, 2023,
3 until October 4, 2023, for a vacation that has been planned for over a year.² On August 21,
4 2023, Defendants' counsel reached out to Plaintiff's counsel to discuss continuing the trial
5 date. Plaintiff's counsel agreed to move the trial date, so long as the Court agrees. It is in
6 the parties' best interest to continue the trial date to ensure the trial runs as efficiently as
7 possible and to allow Deputy Director Harold Wickham to attend trial and testify as
8 originally planned, as he is a named defendant in this matter.

9 For these reasons the parties jointly offer the following three trial dates:

10 January 8, 2024

January 15, 2024

January 22, 2024

11 The parties further stipulate that they be excused from their appearances at the
12 Master Trial Scheduling Conference set for September 5, 2023, at 10:00 AM, (ECF. No. 66).
13 It is expressly understood by the undersigned that the Court will set the trial of this matter
14 on one of the agreed-upon dates if possible. If not, the trial will be set at the convenience of

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27 ² Upon the Court's request, Defendants are willing to provide a declaration from
28 Deputy Director Wickham regarding his vacation and information regarding the
scheduling of his vacation.

the Court's calendar after such dates. The parties estimate that the trial will take a total of 3-5 court days.

IT IS SO STIPULATED.

DATED this 23rd day of August, 2023.

GALLIAN WELKER & ASSOCIATES, LC

By: Travis N. Barrick
Travis N. Barrick, Esq. (#9257)
Nathan E. Lawrence, Esq. (#15060)
730 Las Vegas Blvd., South, Ste 104
Las Vegas, Nevada 89101
Attorneys for Plaintiff

DATED this 23rd day of August, 2023.

AARON D. FORD
Attorney General

By: Victoria C. Corey
VICTORIA C. COREY (#16364C)
LORIN M. TAYLOR (Bar No. 14958)
VICTORIA C. COREY (Bar No. 116364C)
DOUGLAS R. RANDS (Bar No. 3572)
State of Nevada
Office of the Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, NV 89101
Attorneys for Defendants

DATED this 23rd day of August, 2023.


THE VIEIRA FIRM

By: Andrea L. Vieira
Andrea L. Vieira, Esq. (#15667)
601 S. 7th St.,
Las Vegas Nevada 89101
Attorneys for Plaintiff

ORDER

IT IS HEREBY ORDERED that the trial in this case is continued and re-set for jury trial on a ~~fixed~~ / stacked calendar on January 22, 2024 at 8:30 a.m. Calendar call will be held at January 16, 2024 at 9:00 am.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE
DATED: August 23, 2023

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on August 23, 2023, I electronically filed the foregoing **STIPULATION AND [PROPOSED] ORDER TO CONTINUE TRIAL DATE (Second Request)** via this Court's electronic filing system. Parties who are registered with this Court's electronic filing system will be served electronically.

GALLIAN WELKER & ASSOCIATES, LC
Travis N. Barrick, Esq.
Nathan E. Lawrence, Esq.
730 Las Vegas Blvd., South, Ste 104
Las Vegas, Nevada 89101

THE VIEIRA FIRM
Andrea L. Vieira, Esq.
601 S. 7th St.,
Las Vegas Nevada 89101
Attorneys for Plaintiff

/s/ Carol A. Knight
CAROL A. KNIGHT, an employee of the
Office of the Nevada Attorney General